

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

FEB 08 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

Vernie L. Davenport, Jr.)
Plaintiff,)
V.) Civil Action Case No. 07 C 50246
State of Illinois, et al.) Magistrate Judge Mahoney
Defendants.)
)

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Plaintiff, Vernie L. Davenport, Jr., PRO SE, hereby requests this Honorable Court deny Defendants' motion to dismiss. In support thereof, Plaintiff states the following:

1. Defendants' claim that this Court lacks subject matter jurisdiction due to Younger abstention is without foundation: Plaintiff's appeal is concerning his claim that the circuit court erred in vacating a judgment of dissolution of marriage in 2003D103 circuit court which is not an element of Plaintiff's complaint.
2. Defendants' claim that Plaintiff is seeking collateral review of a state court decision. Plaintiff's complaint seeks declarative relief of a null decision, which technically is no decision, at all. A void order can be challenged in any court, at any time.

3. Defendants claim of Eleventh Amendment immunity is offset by Larson v. Domestic & Foreign Commerce Corp and the law of agency. There are limits to sovereign immunity and those limits were violated.
4. A supporting memorandum of law is submitted in support of this motion.

WHEREFORE, Plaintiff respectfully requests this Honorable Court deny Defendants' Motion to Dismiss.



Vernie L. Davenport, Jr.
132 Jeffery Avenue
Rochelle, IL 61068-9705
(601) 868-0372

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WESTERN DIVISION

F I L E D

FEB 08 2008

Vernie L. Davenport, Jr.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Plaintiff,

) Civil Action Case No. 07 C 50246

V.

) Honorable Judge Kapala

State of Illinois, et al.

) Magistrate Judge Mahoney

Defendants.

)

NOTICE OF FILING

To: Kevin Lovellette
Assistant Attorney General
Office of the Attorney General
100 W. Randolph St., 13th Floor
Chicago, IL 60601

PLEASE TAKE NOTICE that on Friday, 8th day of February, 2008, I filed in the United States District Court for the Northern District of Illinois, Eastern Division, at 211 S. Court Street, Rockford, Illinois 61101 the attached **PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS** and **PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**.



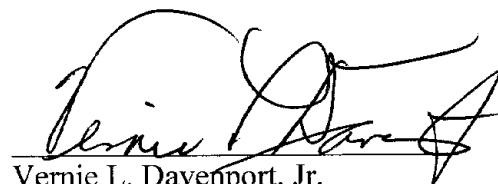
Vernie L. Davenport, Jr.
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Area Code 601-868-0372

UNITED STATES DISTRICT COURT
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AFFIDAVIT

I, Vernie L. Davenport, Jr., on oath, deposes and says that I have served **PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS** and **PLAINTIFF'S
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS** to Kevin Lovellette on this 8th day of February, 2008 by hand
delivery.



Vernie L. Davenport, Jr.

SUBSCRIBED AND SWORN TO before
me this 8th day of February, 2008



Notary Public

